IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 1481 (M/S) of 2005

Liladhar Joshi,
aged about 72 years,
son of late Sri Devi Dutt Joshi,
R/o House No.11., Mohalla Dubkia,
Almora, District-Almora. **……Petitioner.**

Versus

1. Harsh Kumar Tiwari, S/o Pitambar tiwari, R/o Mohalla Dubkia, City, post Officer, Tehsil and District –Almora.
2. Additional District Judge, Almora/Fast track Court, Almora.
3. The Prescribed Authority/Civil Judge (Junior Division), Almora.

…….Respondents

Hon'ble M.M. Ghildiyal, J.

Heard Sri S.K. Khare, learned counsel for the petitioner, Sri Chetan Joshi, learned counsel for the respondent no. 1 and learned standing counsel for State of Uttaranchal on behalf of respondents no. 2. and 3.

Petitioner, who is tenant in the property in dispute, has filed present writ petition against the judgment and order dated 22.10.2005 passed by respondent no.2 affirming the order passed 31.05.2004 passed by respondent no.3. There is concurrent finding against the petitioner.

During the course of argument, learned counsel for the petitioner has prayed that petitioner may be permitted to retain the property in dispute for one year and within a year he will hand over peaceful vacant possession of the property in dispute No.11 Mohalla Kubkia, City, Post

Office, Tehsil and District- Almora to the owner of the property.

In view of the above, respondents are directed not to evict the petitioner from the property in dispute provided the petitioner gives undertaking before the court below within period of three weeks from today that he will hand over the peaceful possession of the property in dispute to the respondent no. 1 on or before 31.05.2007.

Writ petition is devoid of merit, as such, is dismissed. Civil Misc. Application nos. 11380/2005, 10933/2006 & 10436/2006 are finally disposed of accordingly. No order as to costs.

(M.M. Ghildiyal, J.)

August 29, 2006
SKSharma